

MINUTES
UTAH
PHYSICIANS LICENSING BOARD

October 10, 2007

Room 474 – 4th Floor –8:30 A.M.
Heber Wells Building
Salt Lake City, UT 84111

CONVENED: 8:45 a.m.

ADJOURNED: 12:10 p.m.

Bureau Manager:

Diana Baker
Laura Poe (at 11:15 a.m.)

Secretary:

Shirlene Kimball

Division Director:

David Stanley

Conducting:

Marc Babitz, MD vice-chair

Board Members Present:

Lori Buhler, public member
Kristen Ries, MD
Marc Babitz, MD
John Bennion, Ph.D., public member
Michael Giovanniello, MD
Stephen Lamb, MD
Elizabeth Howell, MD

Board Members Excused:

James Fowler, MD
James Pingree, MD
Richard Sperry, MD

TOPICS FOR DISCUSSION

ADMINISTRATIVE BUSINESS:

September 12, 2007 Minutes:

Agenda review by Diana Baker:

Alan Heap, MD
Interview:

DECISIONS AND RECOMMENDATIONS

The minutes were approved as written. All Board members in favor.

Ms. Baker presented a brief overview of the probationers and applicants coming before the Board today.

Ms. Baker also expressed sadness upon the passing of Dr. Mason Stout, previous Board member. Dr. Stout will be missed by all that knew him.

Dr. Babitz conducted the interview. Dr. Heap reported on the medications he uses/prescribes in his office. He stated he doesn't prescribe any scheduled narcotics.

Dr. Babitz reviewed the controlled substance data base and indicated there were a few scheduled narcotics on the list. He questioned why Dr. Heap prescribed the same medication for the same patient within days of each other. Dr. Heap stated the patient lost the medication and had to have the prescription rewritten. He stated he has completed the controlled substance course and has signed up for the PACE Ethics course in San Diego. Dr. Specter is both the record reviewer and supervisor and submitted both reports. Dr. Heap stated he is trying to find someone to buy his practice. He appears to be doing well and is in compliance with the terms and conditions of his Order.

Paula Gibbs, MD
Interview:

Dr. Gibbs reported things are going very well. Board members were given a copy of her scholarly paper. She indicated she has discussed the paper with other providers at the University and has received positive feedback. She stated she understands how she got into trouble and will not put herself into a vulnerable position again. Dr. Giovanniello made a Motion to terminate probation upon receipt of the reports from her therapist. Dr. Lamb seconded the motion. All Board members in favor.

David Aune, MD
Interview:

Dr. Aune indicated he is applying for licensure in New Hampshire and Nevada. However, he may have found a position in Salt Lake and he will let the Board know what he decides to do. He submitted his attendance cards, supervisor and therapist reports and triplicate prescriptions. Dr. Aune appears to be in compliance with the terms and conditions of his Order. Dr. Lamb commended Dr. Aune for being on top of his probation from the beginning. Dr. Aune will need to submit a practice plan if he makes any changes.

Randal Ellsworth, MD
Interview:

Dr. Bennion conducted the interview. Dr. Ellsworth stated he has is working at the Eye Institute in St. George six days per month. He indicated he likes being back to work. He stated his supervisors are Dr. Lewis and Dr. Cohen. Board members indicated the therapist has not submitted a report. Dr. Ellsworth will contact the therapist to have the report submitted. He stated he missed the September 6, 2007 urine screen because it was his second day working in St. George. He stated he just didn't remember to call.

Board members reminded Dr. Ellsworth to call CVI every day.

William Gullledge,
New Order:

Dr. Ries conducted the telephone interview. Dr. Gullledge explained the circumstance that brought him before the Board and caused Texas to take action on his license. He stated he practices in Texas and Utah took action based on the Texas Order. He indicated Texas placed his license on probation for one year and required he take a medical records and boundary issues course. He stated he has completed the boundary issues course and will be completing the medical records course. He stated he works with a group of physicians in Fort Worth and Dr. Charlise Hughes will be his supervisor.

Roger Lewis, MD
Interview:

Dr. Giovanniello conducted the interview. The CPEP evaluation was reviewed. It indicated a list of medical deficiencies. CPEP will offer remediation and is part of the Order. He indicated he looked into the remediation and decided he does not want to do the remediation. He stated he feels he was set up by CPEP and by the Division. Dr. Lewis stated he is not planning to practice medicine and has drafted a letter to his patients indicating he has retired from medicine. He stated he has not written any prescriptions since his license was suspended. The controlled substance data base shows there have been prescriptions, but those would have been refills written before the license was placed on suspension. Dr. Babitz explained that if Dr. Lewis wanted to surrender the license, he could sign a surrender document and would not have met the terms of the current Order. Dr. Lewis stated he does not want to give up his license and understands that if he keeps the license, he will need to meet the terms and conditions of the Order. Dr. Babitz stated the Board has concerns after reviewing the evaluation. Dr. Lewis stated he is more knowledgeable than the report indicates but he would be willing to take a family practice refresher course and retake the family practice Boards. Dr. Giovanniello stated another option would be to take the SPEX examination. Dr. Lamb made a Motion to have Dr. Lewis meet with the Board every six months instead of quarterly. The interviews can be conducted by telephone. Ms. Buhler seconded the Motion. All Board members in favor.

Brandon Bentz, MD
New Order:

Dr. Giovanniello conducted the interview. Dr. Bentz explained the circumstances that brought him before the Board. Dr. Bentz stated he understands the terms and conditions of the Order and understands he needs a chaperon and supervising physician. He stated he will be attending the PACE program in January and is working on a draft of his practice plan. Board members indicated they would like to meet with the supervising physician at the next meeting to make sure he understands his role of supervising physician. Dr. Bentz stated he already has a chaperon and the chaperon does not report to him directly so there will be no conflict of interest.

Gustavo Velasquez, MD
New applicant:

Dr. Lamb conducted the telephone interview. He explained the circumstances why he did not practice medicine for a period of almost twenty years. He indicated he practiced in Mexico and then moved to the United States. He indicated he has completed a three year internship in New Mexico and is currently licensed there. He explained the reason why he failed the examinations more than three times. Dr. Giovanniello made a Motion to approve Dr. Velasquez for licensure. Dr. Ries seconded the Motion. All Board members in favor.

Layfe Anthony, MD
Submission of New Practice Plan:

Dr. Babitz conducted the interview. Dr. Anthony presented a practice plan to practice office based medicine with Dr. Paul Gahlinger as a partner. He indicated he works with Dr. Gahlinger at the Davis County Jail. He stated it is only a change in venue. Dr. Babitz, review the controlled substance data base and questioned Dr. Anthony on several patients. Dr. Anthony stated he had several chronic pain patients, however, he indicated to them he will no longer prescribe for them. Those patients are seeking out another pain clinic. Dr. Anthony indicated he has made application to treat Suboxone patients. He stated he does not work with any midlevel providers. Dr. Bennion discussed with Dr. Anthony whether or not he would still be willing to have Dr. Babitz review his charts and how he plans to demonstrate competency to the Board. Dr. Anthony stated he will be prepared to address this issue when he meets with the Board in December. Dr. Anthony did address the

issue that his prescription pads had an old clinic address and stated he printed a label for the patient with the correct address of the clinic. The copy to the Board has the old address. Board members indicated this was okay. He stated he will continue to work at the Davis County Jail unless his practice at the clinic becomes busy. Dr. Babitz made a Motion to approve the practice plan. Dr. Giovanniello seconded the Motion. All Board members in favor.

Board members discussed Dr. Anthony's CPEP evaluation that had identified four areas of deficiencies. Dr. Babitz stated Dr. Anthony has made some improvement, but he still needs to provide documentation of reeducation in the areas identified as deficiencies. Dr. Howell suggested a neuropsych evaluation be completed. Board members indicated the Order does not require this type of an evaluation. Dr. Howell suggested all Orders required a neuropsych evaluation and if needed, follow up with the CPEP evaluation. Dr. Howell made a Motion to have the AG's office include the neuropsych evaluation in all Orders and the invite the AG's office to meet with the Board to hear the discussion why the Board feels this evaluation is necessary. The Motion was seconded. All Board members in favor. Ms. Poe indicated that there is a lack of evaluators in the area and suggested the Board provide the Division with a list of facilities and agencies, both in and out of Utah that would provide the best evaluations.

Applications approved by the Division:

Tandy Olsen, MD
Matthew Seely, MD
Mark Kringlen, MD
Keith Schrader, MD
Kendy Verpile, MD
Ira Wolke, MD
Russell Foulk, MD
Bruce Lockwood, MD
John Strobel, MD
Robert Ridout, MD
Todd Davis, MD
David Anisman, MD
Camilo Torres, MD
Amy Hellbusch, MD
Guy Lemire, MD

Mansoor Sajid, MD
Van Tu Nguyen, MD
George Middleton, MD

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

November 14, 2007
Date Approved

(ss) Marc Babitz
Marc Babitz, Vice-Chair Physicians licensing board.

November 14, 2007
Date Approved

(ss) Diana Baker
Diana Baker, Bureau Manager, Division of Occupational &
Professional Licensing